



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**NORTHEAST REGIONAL OFFICE**

205B Lowell Street, Wilmington, MA 01887 • (978) 694-3200

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

IAN A. BOWLES  
Secretary

ARLEEN O'DONNELL  
Commissioner

This is an electronic facsimile of a document on file with the Massachusetts Department of Environmental Protection.

**CERTIFIED MAIL**

Richard A. Nylen, Esq.  
Lynch DeSimone & Nylen, LLP  
12 Post Office Square  
Boston, Massachusetts 02109

June 20, 2007

Re: NEWBURYPORT - Solid Wastes/COR  
Crow Lane Landfill  
Superior Court Civil Action No. 06-0790 C  
Preliminary Injunction  
Paragraph 9 – Notice of Noncompliance  
Odor Nuisance Conditions  
FMF No. 39545

Dear Attorney Nylen:

The Massachusetts Department of Environmental Protection, Bureau of Waste Prevention, Solid Waste Section (the "MassDEP") has confirmed as described herein that releases of noxious landfill gas from the Crow Lane Landfill in Newburyport, Massachusetts occurred on June 16, 18, 19, and 20, 2007, resulting in the occurrence of nuisance odors in the residential neighborhoods to the south and east of the Landfill in violation of sections 310 CMR 7.01 and 310 CMR 7.09 of the Massachusetts Air Pollution Control Regulations and section 310 CMR 19.117 et seq. of the Massachusetts Solid Waste Regulations. At times, the concentrations of noxious hydrogen sulfide gas emissions from the landfill reached levels that threatened or potentially threatened the health, safety and welfare of residents living in these neighborhoods

MassDEP previously notified your client, New Ventures Associates LLC ("New Ventures") of Everett, Massachusetts by letters dated June 8, 2007 and June 15, 2007 of the occurrence of nuisance odors in the residential neighborhoods in the vicinity of the Landfill. The measures New Ventures has taken to date at the Landfill in response to the MassDEP notices of June 8,

This is an electronic facsimile of a document on file with the Massachusetts Department of Environmental Protection.

2007 and June 15, 2007 have not been sufficient to abate the release of noxious landfill gas from the Landfill and to prevent the occurrence of noxious odors that present a threat to the public health, safety, welfare and environment in the neighborhoods in the area of the Landfill.

MassDEP, New Ventures, and the City of Newburyport received at least seventeen (17) complaints from residents of the neighborhoods to the south and east of the landfill of noxious odors from approximately 10:00 PM on June 16, 2007 to 9:00 PM on June 20, 2007. These odor reports coincided with the detection of hydrogen sulfide gas by the Jerome Meter located at 3 Charmanski Drive to the south of the Landfill at concentrations of:

- 3 to 9 parts per billion of hydrogen sulfide on June 16, 2007 from approximately midnight on June 15, 2007, to approximately 6:30 AM on June 16, 2007,
- 3 to 35 parts per billion of hydrogen sulfide from approximately 4:30 AM to 7:00 AM on June 18, 2007, and
- 3 to 23 parts per billion of hydrogen sulfide from approximately 10:30 PM on June 18, 2007 to 7:00 AM on June 19, 2007.

On June 20, 2007 at 8:55 PM New Ventures personnel, in response to a complaint, detected hydrogen sulfide at concentrations from 6 to 8 parts per billion at 18 Wildwood Drive.

Pursuant to paragraph 9 of the preliminary injunction entered on October 20, 2006 in Suffolk Superior Court, Civil Action No. 06-0790 C, as amended by order of the Court on November 1, 2006 and February 22, 2007 (the "Order"), this letter serves as written notice to your client, New Ventures Associates, LLC ("New Ventures") of violations of the Order and of 310 CMR 7.01, 310 C.M.R. 7.09, and 310 CMR 19.117.

New Ventures shall immediately take any and all actions necessary to abate and eliminate the occurrence of nuisance odors and hydrogen sulfide emissions from the Landfill that pose a threat to public health, safety and welfare in order to comply with 310 CMR 17.01 and 7.09 *et seq.*, 310 CMR 19.117 *et seq.*, and the Order. These actions should include, without limitation the following.

- The placement of a temporary cap in the Landfill's Phase IA Area consisting of a layer of low permeability soil equivalent to clay and that is at least 1 foot thick, which temporary cap shall be covered with tarps or an alternative cover material to minimize the infiltration of precipitation and the potential for erosion of the low permeability layer. MassDEP review and approval is required prior to placement for the low permeability soil and any alternative cover material.
- The repair and adjustment of the landfill gas extraction system in accordance with Appendix A of the Order to optimize the operation of the system and to achieve the maximum radius of influence for the vertical landfill extraction wells, including operation of the landfill gas blanket in the Landfill's Phase II Area.
- The installation and operation of additional vertical landfill gas extraction wells within the Landfill's Phase IA Area including, unless otherwise approved by the

This is an electronic facsimile of a document on file with the Massachusetts Department of Environmental Protection.

MassDEP, extraction wells EW-10 and EW-13 as depicted on the Cornerstone Environmental Group LLC plan titled:

*New Ventures Associates LLC  
Crow Lane Landfill Gas Collection Plan  
Newburyport, Massachusetts  
Horizontal Gas Collection System Site Plan  
Revised 12/18/06*

- The removal of odiferous leachate from the wetland to the east of the Landfill and the continued maintenance and pumping of the leachate collection tanks.

The MassDEP reserves the right to require whatever additional actions are necessary beyond those described above in to control and/or eliminate the emission of landfill gas at the Landfill. Please provide MassDEP by 5 PM on June 22, 2007 with a written response to this Notice that describes the measures New Ventures is taking and will take to comply with 310 CMR 17.01 and 7.09 *et seq.*, 310 CMR 19.117 *et seq.*, and the Order.

If you have any questions please contact me at (978) 694-3299.

Sincerely,

**This final document copy is being provided to you electronically by the  
Massachusetts Department of Environmental Protection.  
A signed copy of this document  
is on file at the DEP office listed on the letterhead.**

---

John A. Carrigan, Chief  
Solid Waste Management Section

Certified Mail Number: 7006 2760 0005 3984 3231

JAC/jac

Cc: John Morris, Director  
City of Newburyport  
Health Department  
60 Pleasant Street  
Newburyport, MA 01950  
Email Address: JMorris@CityofNewburyport.com

This is an electronic facsimile of a document on file with the Massachusetts Department of Environmental Protection.

Matthew Ireland  
Office of the Attorney General  
Boston, MA

Traci Peters  
City of Newburyport  
Conservation Commission  
60 Pleasant Street  
Newburyport, MA 01950  
Email Address: [tpeter@cityofNewburyport.com](mailto:tpeter@cityofNewburyport.com)

William Thibeault  
New Ventures LLC  
85- 87 Boston Street  
Everett, Massachusetts 02149  
Email Address: [omlcllc@aol.com](mailto:omlcllc@aol.com)

Michael Quatromoni  
SITEC Environmental, Inc.  
769 Plain Street, Unit C  
Marshfield, MA 02050

Senator Steven A. Baddour  
State House  
Boston, Massachusetts  
Email Address: [SBaddour@senate.state.ma.us](mailto:SBaddour@senate.state.ma.us)

Representative Michael A. Costello  
State House  
Boston, Massachusetts  
Email Address: [Rep.MichaelCostello@hou.state.ma.us](mailto:Rep.MichaelCostello@hou.state.ma.us)

Tom and Terry Berns  
Newburyport, Massachusetts  
Email Address: [tjbty@comcast.net](mailto:tjbty@comcast.net)

Jack Van Loan  
Plum Island  
Newburyport, Massachusetts  
Email Address: [jackvanloan@earthlink.net](mailto:jackvanloan@earthlink.net)

Ronald Klodenski  
Newburyport, Massachusetts  
Email Address: [ronklod@verizon.net](mailto:ronklod@verizon.net)

William Woodbury  
Newburyport, Massachusetts  
Email Address: [william.woodbury@verizon.net](mailto:william.woodbury@verizon.net)

Newburyport

New Ventures Associates LLC (aka Crow Lane Landfill)

Page 5 of 5

Notice – Nuisance Odors

This is an electronic facsimile of a document on file with the Massachusetts Department of Environmental Protection.

Bruce Vogel

City of Newburyport

City Council

Email Address: [wardfive@comcast.net](mailto:wardfive@comcast.net)

Michael Dingle

MassDEP/OGC-Boston